

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CMS CONSULTANTS, LLC

PLAINTIFF

V.

CAUSE NO. 5:18-CV-30-DCB-MTP

ARIES BUILDING SYSTEMS, LLC, and
PIKE COUNTY, MISSISSIPPI

DEFENDANTS

ORDER

On April 4, 2018, Defendant Aries Building Systems, LLC ("Aries") noticed the removal of this action to this Court, invoking diversity jurisdiction. See Doc. 1. The Notice is defective.

Although the Notice concludes that complete diversity exists, it states that the sole member of Plaintiff CMS Consultants, LLC shares the Texas citizenship of Defendant Aries. See Doc. 1, ¶5. If that is so, the Court is without diversity jurisdiction. See 28 U.S.C. § 1332(a)(1); Burdett v. Remington Arms Co., 854 F.3d 733, 734 n. 1 (5th Cir. 2017).

The Court suspects that Aries's statement of the citizenship of CMS Consultants, LLC's sole member was made in error: the Louisiana Secretary of State filings attached to the Notice indicate that CMS Consultants LLC's sole member, Christy Melancon,

is a Louisiana citizen. See Doc. 1-2, p. 1. So it appears that complete diversity may exist, Aries just failed to properly so allege.

Accordingly,

IT IS ORDERED that Defendant Aries Building Systems, LLC, within seven days, file an amended notice of removal clarifying the citizenship of Plaintiff CMS Consultants, LLC.

SO ORDERED this the 5th day of April, 2018.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE